

Application No. 09/939,412  
Amendment dated April 28, 2005  
Supplemental Reply to Office Action of January 25, 2005

### REMARKS

Claims 1-7, 13-16, 41 and 42 are pending in the application. The Examiner rejected Claims 13 and 15 and objected to Claims 14 and 16. Claims 1-7, 41 and 42 are allowed.

Applicants appreciate the Examiner's participation in a telephone conference on April 20, 2005. Further to this conversation, Applicants have amended Independent Claim 13 to clarify that the top screw of Claim 13 extends away from a plane formed by the longitudinal axis of the strut screw and the longitudinal axis of the elongate plate portion of the bone plate. Applicants appreciate the Examiner's courtesy in conducting the teleconference of April 20, 2005 and further appreciate the Examiner's indication that Claims 13 and 15 are patentable in view of the device disclosed in Fig. 1 of the present application.

Applicants appreciate the indication of allowable subject matter in Claims 14 and 16. In view of the arguments advanced above, Applicants respectfully submit that Claims 14 and 16 are in condition for allowance with Independent Claim 13 from which they depend. Applicants appreciate the allowance of Claims 1-7, 41 and 42.

Applicants respectfully submit that the application is in condition for allowance and such action is earnestly solicited.

In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260.424.8000.

Respectfully submitted,



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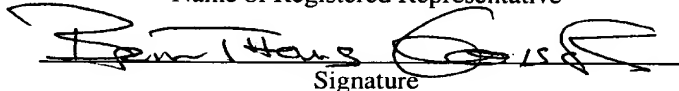
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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: April 28, 2005

BRIAN THOMAS GEISLER, REG. NO. 54,115

Name of Registered Representative

  
Signature

April 28, 2005

Date